

# SENATE BILL REPORT

## SHB 1019

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As of March 8, 2011

**Title:** An act relating to constraining the department of corrections' authority to transfer offenders out of state.

**Brief Description:** Constraining the department of corrections' authority to transfer offenders out of state.

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Roberts, Walsh, Kagi, Green, Darneille, Hasegawa, Goodman, Hurst, Ladenburg, Appleton and Dickerson).

**Brief History:** Passed House: 2/14/11, 93-0.

**Committee Activity:** Human Services & Corrections: 3/08/11.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Shani Bauer (786-7468)

**Background:** The Department of Corrections (DOC) may transfer offenders out of state to private or governmental institutions if a transfer is in the best interest of the offender, giving consideration to factors such as prison overcrowding, emergency conditions, and the hardship the transfer will pose to the offender. In determining whether a transfer will pose a hardship, DOC must consider whether the transfer will cause significant disruption to the offender's contact with any family that live in the state and the impact on any educational program the offender is enrolled in.

**Summary of Bill:** DOC must inform an offender at least 14 days prior to transfer of DOC's intent to transfer the offender out of state. DOC may not transfer the offender if, within five days of receiving notice, the offender requests to remain in state and demonstrates that he or she:

- regularly participates in extended family visitations with his or her child;
- regularly participates in parent-teacher conferences involving his or her child; or
- has had at least six contacts in person with his or her child within the six months prior to the proposed transfer.

Even if the offender meets one of the above criteria, DOC may transfer the offender if not doing so would endanger the safety of any offender or staff.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill doesn't do anything unless it is needed. But if needed, it ensures that DOC considers the offender's relationship with his or her children. This follows up and builds on prior work done by the committee on the Children of Incarcerated Parents. A parent's relationship with his or her child is an important part of offender reentry and breaking the cycle of recidivism.

**Persons Testifying:** PRO: Representative Roberts, prime sponsor.